

### **REMARKS / ARGUMENTS**

The Office Action of March 3, 2010 has rejected claims 26-28, 30, 37, 41, 42, 44-47, and 49-56 under U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0194345 to Lu et al. (hereinafter "Lu") in view of U.S. Patent Application Publication No. 2003/0235194 to Morrison et al. (hereinafter "Morrison"). Claims 29 and 43 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Morrison, and in further view of U.S. Patent Application Publication No. 2002/0138618 to Szabo et al. (hereinafter "Szabo").

Claims 41, 45, and 47 have been amended for form such that the amendments alone do not necessitate a new ground of rejection. Thus, a final rejection in view of these amendments citing new grounds of rejection would be improper.

#### **The Rejections of All Claims with respect to the Morrison reference**

The Office Action has cited Morrison in the rejection of each of the pending claims. Applicant asserts that the cited portions of Morrison are not prior art to the present application. Applicant notes that the Morrison application was filed April 28, 2003, after the priority date of the present application of June 28, 2002. It is noted that Morrison claims priority to U.S. Provisional Application Serial No. 60/385,980 (hereinafter the "Morrison provisional"); however, the Morrison provisional does not disclose the portions of Morrison that the Examiner has relied upon for rejecting the pending claims.

On page 4 of the Office Action, the Examiner cites Morrison, paragraph [0200]. It is noted that Morrison does not contain a paragraph [0200], and Applicant believes the Examiner is actually referencing paragraph [0022] which contains language similar to the language quoted by the Examiner. The disclosure of this paragraph is neither taught nor suggested in the Morrison provisional. The Examiner also cites paragraph [0006] of Morrison which is neither taught nor suggested by the Morrison provisional. Thus, the cited portions of Morrison cannot be granted the priority date of the Morrison provisional.

In view of the cited disclosure and teachings of Morrison lacking support in the Morrison provisional, Morrison is not prior art to the present application for those aspects relied upon by the Official Action in conjunction with the rejections. As Morrison was relied upon for the

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rejection of each pending claim, for at least this reason each of the pending claims are patentably distinct from the remaining cited art. Thus, the rejection has been traversed.

### CONCLUSION

In view of the remarks presented above, it is respectfully submitted that independent Claims 26, 41, 50, 51, 52, 53, and 54, and all the claims depending therefrom (*i.e.*, Claims 27-37, 42-49, and 55-56) are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicant's undersigned agent to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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